

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Paul Jones,

Plaintiff,

v.

Experian Information Solutions, Inc., Law Office of
Andreu, Palma & Andreu, PL, Weltman Weinberg
& Reis Co., LPA, McCarthy, Burgess & Wolf, Inc.,
Revenue Group, Calvery Portfolio, Dyanimc
Recovery Service, Inc., United Recovery Systems,
LP, Integraty Solutions Services, Inc., Pro Debt
Mediations, Inc., The Law Office of Pollack &
Rosen, Transunion, LLC, Equifax Information
Servicees, LLC, Bank of American N.A., Bank of
America Home Loans, ,

Defendants.

CIVIL ACTION NO. 1:14-10218-GAO

ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, Weltman, Weinberg & Reis, Co., LPA ("Weltman") hereby responds to the numbered paragraphs of Plaintiff's Complaint as follows:

Parties

1. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint.
2. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint.
3. Weltman admits that it is a law firm that attempts to collect debt. Further answering, Weltman denies the remaining allegations set forth in paragraph 3 of the Complaint.
4. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint.

5. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint.

6. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

7. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

8. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

9. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint.

10. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint.

11. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint.

12. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint.

13. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint.

14. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

15. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint.

16. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint.

Jurisdiction

17. Paragraph 17 states a conclusion of law to which no response is required and is otherwise denied.

18. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint.

19. Paragraph 19 states a conclusion of law to which no response is required and is otherwise denied.

20. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint. Further answering, Weltman denies it caused any injury to the Plaintiff.

21. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint.

Facts

22. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint.

23. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint.

24. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint.

25. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint.

26. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint.

27. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint.

28. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 28 of the Complaint.

29. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint. Further answering, Weltman denies committing any violation of the Fair Debt Collection Practices Act ("FDCPA").

30. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint. Further answering Weltman denies it violated the FDCPA, G.L. c. 93A or the MDCRA.

31. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint.

32. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint. Further answering, Weltman denies it violated the FDCPA, TCPA, MDCPA or G.L. c. 93A.

33. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 33 of the Complaint.

34. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint.

35. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint.

36. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint. Further answering, Weltman denies it violated the FDCPA, TCPA, MDCPA or G.L. c. 93A.

37. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 37 of the Complaint.

38. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 38 of the Complaint.

39. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 39 of the Complaint.

40. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 40 of the Complaint.

41. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 41 of the Complaint.

42. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 42 of the Complaint.

43. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 43 of the Complaint. Further answering, Weltman denies it violated the FDCPA, TCPA, MDCPA or G.L. c. 93A.

44. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint.

45. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint.

46. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 46 of the Complaint.

47. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint.

48. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 48 of the Complaint.

49. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 49 of the Complaint.

50. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 50 of the Complaint.

51. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 51 of the Complaint.

52. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 52 of the Complaint.

53. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 53 of the Complaint.

54. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 54 of the Complaint.

55. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 55 of the Complaint.

56. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 56 of the Complaint.

57. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 57 of the Complaint.

58. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 58 of the Complaint.

59. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 59 of the Complaint.

60. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 60 of the Complaint.

61. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 61 of the Complaint.

62. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint.

63. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 63 of the Complaint.

64. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 64 of the Complaint.

65. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 65 of the Complaint.

66. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 66 of the Complaint.

67. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 67 of the Complaint.

68. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 68 of the Complaint.

69. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 69 of the Complaint. Further answering, Weltman denies it violated the TCPA.

70. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 70 of the Complaint.

71. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 71 of the Complaint.

72. Paragraph 72 purports to describe the Plaintiff's causes of action against the Defendants, and therefore no response is required. To the extent a response is required, Weltman denies the allegations set forth in paragraph 72 of the Complaint.

73. Paragraph 73 purports to describe the Plaintiff's causes of action against the Defendants, and therefore no response is required. To the extent a response is required, Weltman denies the allegations set forth in paragraph 73 of the Complaint.

74. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 74 of the Complaint. Further answering, Weltman denies it violated the TCPA.

75. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 75 of the Complaint.

76. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 76 of the Complaint. Further answering, Weltman denies it violated the FDCPA.

77. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 77 of the Complaint.

78. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 78 of the Complaint.

79. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 79 of the Complaint.

80. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint.

81. Paragraph 81 purports to describe the Plaintiff's causes of action against the Defendants, and therefore no response is required. To the extent a response is required, Weltman denies the allegations set forth in paragraph 81 of the Complaint.

82. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 82 of the Complaint.

83. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 83 of the Complaint.

84. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 84 of the Complaint.

85. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 85 of the Complaint.

86. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 86 of the Complaint.

87. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 87 of the Complaint.

88. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint.

89. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 89 of the Complaint.

90. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 90 of the Complaint.

91. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 91 of the Complaint. Further answering, Weltman denies it violated the TCPA, FDCPA, G.L. c. 93A or the MDCRA

92. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 92 of the Complaint.

93. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 93 of the Complaint.

94. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 94 of the Complaint.

95. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 95 of the Complaint.

96. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 96 of the Complaint.

97. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 97 of the Complaint. Further answering, Weltman denies that Plaintiff is entitled to treble damages pursuant to 47 U.S.C. § 227(b)(3).

98. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 98 of the Complaint.

99. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 99 of the Complaint. Further answering, Weltman denies it violated the FDCPA, the MDCRA or G.L. c. 93A.

100. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 100 of the Complaint. Further answering, Weltman denies it violated the TCPA, FDCPA, MDCRA or G.L. c. 93A.

101. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 101 of the Complaint.

102. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 102 of the Complaint.

103. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 103 of the Complaint.

104. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 104 of the Complaint.

105. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 105 of the Complaint.

106. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 106 of the Complaint.

107. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 107 of the Complaint.

108. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 108 of the Complaint.

109. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 109 of the Complaint.

110. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 110 of the Complaint.

111. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 111 of the Complaint.

112. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 112 of the Complaint.

113. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 113 of the Complaint.

114. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 114 of the Complaint.

115. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 115 of the Complaint.

116. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 116 of the Complaint.

117. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 117 of the Complaint.

118. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 118 of the Complaint.

119. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 119 of the Complaint.

120. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 120 of the Complaint.

121. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 121 of the Complaint.

122. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 122 of the Complaint.

123. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 123 of the Complaint.

124. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 124 of the Complaint.

125. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 125 of the Complaint.

126. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 126 of the Complaint.

127. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 127 of the Complaint.

128. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 128 of the Complaint.

129. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 129 of the Complaint.

130. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 130 of the Complaint.

131. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 131 of the Complaint.

132. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 132 of the Complaint.

133. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 133 of the Complaint.

134. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 134 of the Complaint.

135. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 135 of the Complaint.

136. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 136 of the Complaint.

137. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 137 of the Complaint.

138. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 138 of the Complaint.

139. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 139 of the Complaint.

140. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 140 of the Complaint.

COUNT I – Violation of Fair Debt Collection Practices Act (FDCPA)

141. Weltman repeats and reincorporates its responses to the allegations contained in paragraphs 1 through 140 as if fully set forth herein.

142. Paragraph 142 states a conclusion of law to which no response is required and is otherwise denied.

143. Paragraph 143 states a conclusion of law to which no response is required and is otherwise denied.

144. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 144 of the Complaint. Further answering, Weltman denies it violated 15 U.S.C. § 1692c.

145. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 145 of the Complaint. Further answering, Weltman denies it violated 15 U.S.C. § 1692e.

146. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 146 of the Complaint. Further answering, Weltman denies it violated 15 U.S.C. § 1692d.

147. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 147 of the Complaint. Further answering, Weltman denies it violated 15 U.S.C. §§ 1692e(2), e(5), e(8), e(10), e(11), 1692f, 1692g, or 1692g(b).

Count II – Violations of the Telephone Communications Act

148. Weltman repeats and reincorporates its responses to the allegations contained in paragraphs 1 through 147 as if fully set forth herein.

149. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 149 of the Complaint. Further answering, Weltman denies it violated the TCPA.

150. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 150 of the Complaint.

151. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 151 of the Complaint. Further answering, Weltman denies it violated the TCPA.

152. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 152 of the Complaint. Further answering, Weltman denies it violated the TCPA.

153. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 153 of the Complaint. Further answering, Weltman denies it violated the TCPA.

COUNT III – Violations of the Telephone Communications Act

154. Weltman repeats and reincorporates its responses to the allegations contained in paragraphs 1 through 153 as if fully set forth herein.

155. Paragraph 155 states a conclusion of law to which no response is required and is otherwise denied.

156. Paragraph 156 states a conclusion of law to which no response is required and is otherwise denied.

157. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 157 of the Complaint. Further answering, Weltman denies it violated the TCPA.

COUNT IV – Violations of the Massachusetts Debt Collection Regulation Act

158. Weltman repeats and reincorporates its responses to the allegations contained in paragraphs 1 through 157.

159. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 159 of the Complaint. Further answering, Weltman denies it violated the MDCRA.

160. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 160 of the Complaint. Further answering, Weltman denies it that it is not registered to collect debt in Massachusetts.

161. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 161 of the Complaint. Further answering, Weltman denies it violated the MDCRA.

162. Weltman is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 162 of the Complaint. Further answering, Weltman denies it violated the MDCRA.

COUNT V – Violation of Fair Credit Reporting Act (FCRA)

163. Weltman repeats and reincorporates its responses to the allegations contained in paragraphs 1 through 162 as if fully set forth herein.

164. Paragraph 164 states a conclusion of law to which no response is required and is otherwise denied.

165. Paragraph 165 states a conclusion of law to which no response is required and is otherwise denied.

166. Paragraph 166 states a conclusion of law to which no response is required and is otherwise denied.

167. The allegations set forth in paragraph 167 of the Complaint are not directed toward Weltman, and therefore no response is required. To the extent a response is required, Weltman denies the allegations contained therein.

168. The allegations set forth in paragraph 168 of the Complaint are not directed toward Weltman, and therefore no response is required. To the extent a response is required, Weltman denies the allegations contained therein.

169. The allegations set forth in paragraph 169 of the Complaint are not directed toward Weltman, and therefore no response is required. To the extent a response is required, Weltman denies the allegations contained therein.

170. The allegations set forth in paragraph 170 of the Complaint are not directed toward Weltman, and therefore no response is required. To the extent a response is required, Weltman denies the allegations contained therein.

171. The allegations set forth in paragraph 171 of the Complaint are not directed toward Weltman, and therefore no response is required. To the extent a response is required, Weltman denies the allegations contained therein.

AFFIRMATIVE DEFENSES

Upon information and belief and subject to further investigation and discovery, Weltman alleges the following defenses without assuming the burden of proof where such burden is otherwise on the Plaintiff:

FIRST AFFIRMATIVE DEFENSE

This Court lacks subject matter jurisdiction of over the TCPA claims asserted by the Plaintiff.

SECOND AFFIRMATIVE DEFENSE

Plaintiff is an unintentional recipient of the alleged calls, and is therefore not a “called party” for purposes of the TCPA. Accordingly, Plaintiff lacks standing to assert the underlying claim.

THIRD AFFIRMATIVE DEFENSE

Plaintiff’s TCPA claims can only be brought in state court.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff’s Complaint fails to state a claim upon which relief can be granted.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to mitigate his damages and his claims herein should be barred or any recovery reduced in proportion to Plaintiff’s said failure to mitigate his damages.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the applicable statute of limitations.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff consented to receive any alleged prerecorded message calls and auto-dialed calls on his cell phone by providing his cell phone number to the creditor.

EIGHTH AFFIRMATIVE DEFENSE

Weltman's telephone system is not an automatic telephone dialing system under 47 U.S.C. § 227(a) because the telephone system does not use a random or sequential number

generator to store or produce or dial telephone numbers. Moreover, Weltman's system entails human intervention.

NINTH AFFIRMATIVE DEFENSE

Weltman states that if it violated the TCPA, which it denies, Weltman had established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the TCPA.

TENTH AFFIRMATIVE DEFENSE

Plaintiff has an established business relationship with Weltman such that his claims under the TCPA are barred.

ELEVENTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred by the doctrine of waiver, laches, ratification, unclean hands, and estoppel.

TWELFTH AFFIRMATIVE DEFENSE

Weltman states that if it violated the Fair Debt Collection Practices Act, which it denies, the violation occurred as a result of a *bona fide* error, notwithstanding the maintenance of procedures reasonably adapted to avoid such an error.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing to assert claims under the FDCPA, TCPA, FCRA or MDCRA.

FOURTEENTH AFFIRMATIVE DEFENSE

There is no private right of action under 940 C.M.R. 7.00.

Weltman reserves the right to supplement these affirmative defenses as discovery proceeds. Weltman further reserves the rights to seek costs and attorney's fees pursuant to 15

U.S.C. §§ 1692k(a)(3) in the event the Court deems Plaintiff's action was brought in bad faith and for the purpose of harassing Weltman.

Respectfully submitted,

Attorneys for Defendant Weltman Weinberg &
Reis Co., LPA

By: Its Attorneys

/s/ Andrew M. Schneiderman

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617-213-7001 (facsimile)

Dated: March 20, 2014

CERTIFICATE OF SERVICE

I, Andrew M. Schneiderman, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 20, 2014 as follows:

Paul Jones
572 Park Street
Stoughton, MA 02072

/s/ Andrew M. Schneiderman

Andrew M. Schneiderman, Bar #666252